JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

VICTORIA REI RISTOW

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff _____

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury -	☐ 620 Other Food & Drug	☐ 423 Withdrawal	☐ 410 Antitrust
☐ 130 Miller Act	☐ 315 Airplane Product	Med. Malpractice	☐ 625 Drug Related Seizure	28 USC 157	☐ 430 Banks and Banking
☐ 140 Negotiable Instrument	Liability	☐ 365 Personal Injury -	of Property 21 USC 881		☐ 450 Commerce
☐ 150 Recovery of Overpayment	☐ 320 Assault, Libel &	Product Liability	☐ 630 Liquor Laws	**PROPERTY RIGHTS**	☐ 460 Deportation
& Enforcement of Judgment	Slander	☐ 368 Asbestos Personal	☐ 640 R.R. & Truck	☐ 820 Copyrights	☐ 470 Racketeer Influenced and
☐ 151 Medicare Act	☐ 330 Federal Employers'	Injury Product	☐ 650 Airline Regs.	☐ 830 Patent	Corrupt Organizations
☐ 152 Recovery of Defaulted	Liability	Liability	☐ 660 Occupational	☐ 840 Trademark	☒ 480 Consumer Credit
Student Loans	☐ 340 Marine	**PERSONAL PROPERTY**	Safety/Health		☐ 490 Cable/Sat TV
(Excl. Veterans)	☐ 345 Marine Product	☐ 370 Other Fraud	☐ 690 Other		☐ 810 Selective Service
☐ 153 Recovery of Overpayment	Liability	☐ 371 Truth in Lending	**LABOR**	**SOCIAL SECURITY**	☐ 850 Securities/Commodities/
of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal	☐ 710 Fair Labor Standards	☐ 861 HIA (1395ff)	Exchange
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle	Property Damage	Act	☐ 862 Black Lung (923)	☐ 875 Customer Challenge
☐ 190 Other Contract	Product Liability	☐ 385 Property Damage	☐ 720 Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	12 USC 3410
☐ 195 Contract Product Liability	☐ 360 Other Personal	Product Liability	☐ 730 Labor/Mgmt.Reporting	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
☐ 196 Franchise	Injury		& Disclosure Act	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	☐ 740 Railway Labor Act	**FEDERAL TAX SUITS**	☐ 892 Economic Stabilization Act
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate	☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff	☐ 893 Environmental Matters
☐ 220 Foreclosure	☐ 442 Employment	Sentence	☐ 791 Empl. Ret. Inc.	or Defendant)	☐ 894 Energy Allocation Act
☐ 230 Rent Lease & Ejectment	☐ 443 Housing/	**Habeas Corpus:**	Security Act	☐ 871 IRS—Third Party	☐ 895 Freedom of Information
☐ 240 Torts to Land	Accommodations	☐ 530 General		26 USC 7609	Act
☐ 245 Tort Product Liability	☐ 444 Welfare	☐ 535 Death Penalty	**IMMIGRATION**		☐ 900 Appeal of Fee Determination
☐ 290 All Other Real Property	☐ 445 Amer. w/Disabilities -	☐ 540 Mandamus & Other	☐ 462 Naturalization Application		Under Equal Access
	Employment	☐ 550 Civil Rights	☐ 463 Habeas Corpus -		to Justice
	☐ 446 Amer. w/Disabilities -	☐ 555 Prison Condition	Alien Detainee		☐ 950 Constitutionality of
	Other		☐ 465 Other Immigration		State Statutes
	☐ 440 Other Civil Rights		Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C SECTION 1692

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No
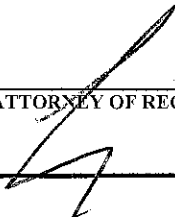
VIII. RELATED CASE(S)

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

DATE
04/25/12

SIGNATURE OF ATTORNEY OF RECORD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Victoria Rei Ristow   CIVIL ACTION

v.

NCO Financial Systems, Inc.   NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.   ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health
    and Human Services denying plaintiff Social Security Benefits.   ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.   (X)

(d) Asbestos – Cases involving claims for personal injury or property damage from
    exposure to asbestos.   ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are
    commonly referred to as complex and that need special or intense management by
    the court. (See reverse side of this form for a detailed explanation of special
    management cases.)   ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks.   ( )

04/25/12   CraigThorKimmel   Victoria Rei Ristow
Date   **Attorney-at-law**   **Attorney for**

215-540-8888   877 788 2864   kimmel@creditlaw.com
Telephone   **FAX Number**   **E-Mail Address**

(Civ. 660) 10/02

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 417 Mace Blvd., Davis CA 95618

Address of Defendant: 507 Prudential Rd., Horsham PA 19044

Place of Accident, Incident or Transaction: _____

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))   Yes☐   No☒

Does this case involve multidistrict litigation possibilities?   Yes☐   No☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
   Yes☐ No☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
   Yes☐ No☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
   Yes☐ No☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
   Yes☐ No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*
1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. §1692
    (Please specify)

B. *Diversity Jurisdiction Cases:*
1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
   (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 04/25/12 _____ 57100

Attorney-at-Law   Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 04/25/12 _____ 57100

Attorney-at-Law   Attorney I.D.#

CIV. 609 (6/08)

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

VICTORIA REI RISTOW,   )
)
      Plaintiff   )
)
v.   )   **Case No.:**
)
NCO FINANCIAL SYSTEMS, INC.,   )   **COMPLAINT AND DEMAND FOR**
)   **JURY TRIAL**
      Defendant   )
)   **(Unlawful Debt Collection Practices)**
_____)

COMPLAINT

VICTORIA REI RISTOW ("Plaintiff"), by and through her attorneys, KIMMEL &

SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC.

("Defendant"):

INTRODUCTION

1.   Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15

U.S.C. § 1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive,

deceptive, and unfair practices.

JURISDICTION AND VENUE

2.   Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states

that such actions may be brought and heard before "any appropriate United States district court

without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original

jurisdiction of all civil actions arising under the laws of the United States.

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3. Defendant conducts business and has an office in the Commonwealth of Pennsylvania, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

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PARTIES

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5. Plaintiff is a natural person residing in Davis, California, 95618.

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6. Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. §1692k(a), and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec 22, 2000).

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7. Defendant is a national debt collection company with its corporate headquarters located at 507 Prudential Road in Horsham, Pennsylvania 19044.

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8. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

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9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

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FACTUAL ALLEGATIONS

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10. At all relevant times, Defendant was attempting to collect alleged consumer debts and repeatedly contacted Plaintiff when attempting to collect the alleged debt.

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11. Upon information and belief, the alleged debts at issue arose out of transactions, which were primarily for personal, family, or household purposes.

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12. Defendant collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family or household purposes on behalf of creditors using the telephone, U.S. Mail and/or internet.

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13.   Beginning before January 1, 2012, Defendant repeatedly and continuously contacted Plaintiff in an attempt to collect consumer debts owed by other individuals, specifically a person named "Laura" and a person named "John Sharpley."

14.   On numerous occasions, Plaintiff has spoken with Defendant and informed them that she is not "Laura", that no one with the name "Laura" lives at the number they are calling, and to stop calling her.

15.   Also, on numerous occasions, Plaintiff has spoken with Defendant and informed them that no one with the name "John Sharpley" lives at the number they are calling and to stop calling her.

16.   Despite Plaintiff's repeated requests to stop calling her, Defendant continued to contact Plaintiff in its attempts to collect debts owed by other individuals.

17.   Defendant contacted Plaintiff almost everyday, sometimes calling multiple times in one day.

18.   For example, in February 2012, Defendant contacted Plaintiff on February 1, 2012; February 2, 2012; February 3, 2012; February 4, 2012; February 6, 2012; February 7, 2012; February 8, 2012; February 15, 2012 (twice); February 16, 2012; February 17, 2012; February 18, 2012; February 20, 2012; February 21, 2012; February 22, 2012; February 24, 2012; February 25, 2012; February 27, 2012; February 28, 2012; and February 29, 2012. See Exhibit A, Plaintiff's telephone records.

19.   Further, in its attempts to collect a debt, Defendant contacted Plaintiff at times when it was inconvenient for her to receive collection calls, specifically calling her before 8:00 a.m.

20.   Defendant contacted Plaintiff at 7:09 a.m. on February 7, 2012; at 7:03 a.m. on

- 3 -

1 February 8, 2012; at 7:05 a.m. on February 28, 2012; and at 7:03 a.m. on February 29, 2012.

2 See Exhibit A, Plaintiff's phone records.

3   21.   Defendant's actions in attempting to collect the alleged debt were harassing,

4 abusive and highly deceptive.

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6 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

7   22.   In its actions to collect a disputed debt, Defendant violated the FDCPA in one or

8 more of the following ways:

9   **COUNT I**

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11   23.   Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.

§§1692b(2) and 1692b(3).

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13   a.   Section 1692b(2) of the FDCPA prohibits a debt collector from disclosing

14   that a consumer owes a debt when it is contacting third parties in an

15   attempt to acquire location information on the consumer.

16   b.   Section 1692b(3) of the FDCPA prohibits a debt collector from

17   communicating with a third party more than once about the location

18   information of a consumer.

19   c.   Here, Defendant violated §§1692b(2) and 1692b(3) of the FDCPA when it

20   disclosed to Plaintiff that "Laura" and "John Sharpley" owed a debt and

21   when it contacted Plaintiff more than once in its attempts to collect debts

22   from "Laura" and "John Sharpley."

23   **COUNT II**

24   24.   Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.

25 §1692c(a)(1).

- 4 -

a. Section 1692c(a)(1) of the FDCPA prohibits a debt collector from communicating with a consumer in connection with the collection of any debt at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m., local time at the consumer's location.

b. Here, Defendant violated §1692c(a)(1) of the FDCPA when it called Plaintiff after Plaintiff told Defendant that it was calling the wrong number and when it called Plaintiff prior to 8:00 a.m.

COUNT III

25. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C. §§1692d and 1692d(5).

a. A debt collector violates §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

b. Section 1692d(5) of the FDCPA prohibits debt collectors from causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse, or harass any person at the called number.

c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA when it called Plaintiff multiple times per day and on numerous days per week, as well as continuing to call Plaintiff despite her numerous requests that they

- 5 -

PLAINTIFF'S COMPLAINT

WHEREFORE, Plaintiff, VICTORIA REI RISTOW, respectfully prays for a judgment as follows:

     a.   All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1);

     b.   Statutory damages of $1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. §1692k(a)(2)(A);

     c.   All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §1693k(a)(3); and

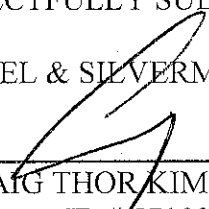   d.   Any other relief deemed appropriate by this Honorable Court.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, VICTORIA REI RISTOW, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: 04/25/2012

KIMMEL & SILVERMAN, P.C.

By: _____
CRAIG THOR KIMMEL
Attorney ID #57100
30 E. Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877) 788-2864
Email: kimmel@creditlaw.com

- 6 -

PLAINTIFF'S COMPLAINT